
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

FREDERICK DEWAYNE MALONE,

Plaintiff,

versus

KIM WARD, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:18-CV-578

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Frederick Dewayne Malone, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutional Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Kim Ward and Officer Simon.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying plaintiff's motion for leave to proceed *in forma pauperis*, and dismissing the action without prejudice pursuant to 28 U.S.C. § 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

ORDER

Accordingly, plaintiff's objections (#9) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#7) is **ADOPTED**. Plaintiff's motion for leave to proceed *in forma pauperis* (#4) is **DENIED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

Signed this date

Jan 4, 2019

A handwritten signature in cursive script, reading "Marcia A. Crone".

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE